

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGEL CARRETO-ESCOBAR,

Defendant.

No. 08-CR-4008-DEO

**ORDER
ACCEPTING REPORT AND
RECOMMENDATION CONCERNING
GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

On January 24, 2008, a two Count Indictment (Docket No. 2) was returned against defendant Angel Carreto-Escobar.

Count 1 of the Indictment charges that defendant Angel Carreto-Escobar, on about September 24, 2007, in the Northern District Of Iowa, did knowingly possess a document prescribed by statute or regulation as evidence of authorized employment in the United States, that is, a social security card in the name of a person with the last name "Murillo" bearing a number ending in 4923, and an alien registration card in the same name bearing defendant's photograph and a number ending in 016, documents defendant knew had been forged, counterfeited, falsely made, and otherwise unlawfully obtained.

This was in violation of Title 18, United States Code, Section 1546(a).

Count 2 of the Indictment charges that on about September 24, 2007, in the Northern District of Iowa, the defendant, Angel Carreto-Escobar, did knowingly and with intent to engage unlawfully in employment in the United States make a false statement and claim to be a citizen or national of the United States. In the course of applying for employment, defendant checked a box on an immigration form I-9 to claim he was a "citizen or national of the United States," when in truth and in fact defendant knew he was a citizen of Guatemala and not a citizen or national of the United States.

This was in violation of Title 18, United States Code, Section 1015(e).

On February 19, 2008, defendant Angel Carreto-Escobar appeared before Chief United States Magistrate Judge Paul A. Zoss and entered a plea of guilty to Counts 1 and 2 of the Indictment. In the Report and Recommendation (Docket No. 17, 02/19/2008), Chief United States Magistrate Judge Paul A. Zoss recommends that defendant Angel Carreto-Escobar's guilty plea be accepted. No objections to Judge Zoss's Report and Recommendation were filed. The Court, therefore, undertakes the necessary review to accept defendant Angel Carreto-Escobar's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

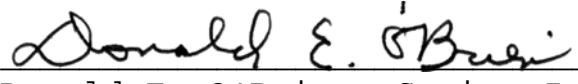
FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the Court upon review of Chief Magistrate Judge

Zoss's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Chief Magistrate Judge Zoss's Report and Recommendation (Docket No. 17), and accepts defendant Angel Carreto-Escobar's plea of guilty in this case to Counts 1 and 2 of the Indictment filed on January 24, 2008 (Docket No. 2).

IT IS SO ORDERED this 5th day of March, 2008.


Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa